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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,188	03/19/2001	Tomoshi Hirayama	204947US6	6951

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

BRUCKART, BENJAMIN R

ART UNIT	PAPER NUMBER
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2155

NOTIFICATION DATE	DELIVERY MODE
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01/24/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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AK

Office Action Summary

Application No.

09/810,188

Applicant(s)

HIRAYAMA, TOMOSHI

Examiner

Benjamin R. Bruckart

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4, 5 and 30-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 5 and 30-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Status of Claims:

Claims 1, 4-5, 30-37 are pending in this Office Action.

Claims 1, 4, 5 are amended.

Claims 2-3, 6-29 remain cancelled.

Claims 34-37 are new.

Response to Arguments

Applicant's arguments filed in the amendment filed 10/31/07, are fully considered but are moot in view of new grounds of rejection. The reasons are set forth below.

Applicant's invention as claimed:

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 1, 4 and 37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 4, and 37 recites the limitations "the content" "said information" several times in the claim limitations, specifically lines 5, 11, 12 of independent claim 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 37 is rejected under 102(e) being anticipated by U.S. Patent No. 6,701,355 by Brandt et al.

Regarding claim 37, an information processing apparatus, comprising:

an input configured to acquire a name of a radio broadcast station (Brandt: col. 19, lines 46-54; station name) and a title of content presented by said radio broadcast station (Brandt: col. 23, lines 1-20; Fig. 11, album ID);

a processor configured to generate a radio broadcast station ID (Brandt: col. 11, lines 6-12) and a content ID for identifying the content on the basis of said information acquired by the input (Brandt: col. 10, lines 1-8; cut number), wherein the generated radio broadcast station ID and content ID are different from the acquired name of a radio broadcast station and title of content;

a memory configured to store said radio broadcast station ID and said content ID by associating said radio broadcast station ID with said content ID (Brandt: col. 23, lines 1-20); and

an output configured to transmit the information stored in said storage means to a second information processing apparatus in response to a request made by said second information

processing apparatus through a network (Brandt: col. 6, lines 31-38; second is the user apparatus).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 103(a) being unpatentable by U.S. Patent No. 6,701,355 by Brandt et al in view of U.S. Patent No. 6,671,882 by Murphy et al.

Regarding claim 1,

The Brandt reference teaches an information processing apparatus comprising:

an acquisition means for acquiring a name of a radio broadcast station (Brandt: col. 19, lines 46-54; station name) and a title of content presented by said radio broadcast station (Brandt: col. 23, lines 1-20; Fig. 11, album ID);

a generation means for generating a radio broadcast station ID (Brandt: col. 11, lines 6-12) and a content ID for identifying the content on the basis of said information acquired by said acquisition means (Brandt: col. 10, lines 1-8; cut number), wherein the generated radio broadcast station ID and content ID are different from the acquired name of a radio broadcast station and title of content;

a storage means for storing said radio broadcast station ID and said content ID by associating said radio broadcast station ID with said content ID (Brandt: col. 23, lines 1-20); and

a transmission means for transmitting information stored in said storage means to a second information processing apparatus in response to a request made by said second information processing apparatus through a network (Brandt: col. 6, lines 31-38; second is the user apparatus) and transmitting the information stored in said storage means to a third

information processing apparatus which broadcasts to a plurality of receiver apparatuses (Brandt: col. 6, lines 13-23; third device is the broadcast server).

The Brandt reference does not teach generating a tagging code before broadcast.

However, the Murphy reference teaches generates a tag code based on the received information and broadcasts the tag code to a plurality of receivers (Murphy: col. 2, lines 27-40) in order to handle information uniformly and efficiently (Murphy: col. 2, lines 21-23).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the apparatus of Brandt to include tag codes for uniform format of broadcast data to handle information uniformly and efficiently (Murphy: col. 2, lines 21-23).

Claim 35 is rejected under 103(a) being unpatentable by U.S. Patent No. 6,701,355 by Brandt et al in view of U.S. Patent No. 6,671,882 by Murphy et al in further view of U.S. Patent No. 6,628,928 by Crosby et al.

Regarding claim 35, the modified Brandt reference teaches the information processing apparatus of Claim 1.

The Brandt reference fails to teach a fourth information processing device.

However, the Crosby reference teaches:

a provider-address-identifying means for identifying a content provider's network address corresponding to a provider ID supplied by a fourth information processing apparatus on the basis of the information in the storage means (Crosby: col. 9, lines 14-26; vendor information DB) in order to identify a URL associated the broadcaster or vendor associated with the content (Crosby: col. 9, lines 14-26)

It would have been obvious at the time of the invention to one of ordinary skill in the art to use the information processing apparatus of the modified Brandt to include provider address identifying means as taught by Crosby in order to identify a URL associated the broadcaster or vendor associated with the content (Crosby: col. 9, lines 14-26).

Claims 4-5, 30-34 are rejected under 103(a) being unpatentable by U.S. Patent No. 6,701,355 by Brandt et al in view of U.S. Patent No. 6,671,882 by Murphy et al in further view of U.S. Patent No. 5,857,149 by Suzuki.

Regarding claim 4, the Brandt reference teaches an information processing apparatus comprising:

an acquisition means for acquiring a name of a radio broadcast station (Brandt: col. 19, lines 46-54; station name) and a title of content presented by said radio broadcast station (Brandt: col. 23, lines 1-20; Fig. 11, album ID);

a generation means for generating a radio broadcast station ID (Brandt: col. 11, lines 6-12) and a content ID for identifying the content on the basis of said information acquired by said acquisition means (Brandt: col. 10, lines 1-8; cut number) wherein the generated radio broadcast station ID and content ID are different from the acquired name of a radio broadcast station and title of content;

a storage means for storing said radio broadcast station ID and said content ID by associating said radio broadcast station ID with said content ID (Brandt: col. 23, lines 1-20); and

a transmission means for transmitting the information stored in said storage means to a second information processing apparatus in response to a request made by said second information processing apparatus through a network (Brandt: col. 6, lines 31-38; second is the user apparatus) and transmitting the information stored in said storage means to a third information processing apparatus which broadcasts to a plurality of receiver apparatuses (Brandt: col. 6, lines 13-23; third device is the broadcast server).

The Brandt reference does not teach generating a tagging code before broadcast.

However, the Murphy reference teaches generates a tag code based on the received information and broadcasts the tag code to a plurality of receivers (Murphy: col. 2, lines 27-40) in order to handle information uniformly and efficiently (Murphy: col. 2, lines 21-23).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the apparatus of Brandt to include tag codes for uniform format of broadcast data to handle information uniformly and efficiently (Murphy: col. 2, lines 21-23).

The modified Brandt reference fails to teach a validity condition concerning validity of presentation of content.

However Suzuki teaches:

wherein said acquisition means further acquires a validity-condition concerning validity of presentation of said content from said radio broadcast station (Suzuki: col. 3, lines 20- col. 4, line 58); and

said storage means further stores said validation-condition by associating said validity-condition with said radio broadcast station ID and said content ID (Suzuki: col. 7, lines 22-46) in order to check and control data while broadcasting (Suzuki: col. 4, lines 59-65).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the apparatus of modified Brandt to include validity conditions as taught by Suzuki in order to check and control data while broadcasting (Suzuki: col. 4, lines 59-65).

Regarding claim 5, an information processing apparatus according to claim 4, wherein said validity-condition includes information on additional information added by a user receiving data including radio broadcast station ID and said content ID (Brandt: col. 19, lines 47-54; col. 23, lines 64-33).

Regarding claim 30, the information processing apparatus of claim 4, wherein
said validity-condition is a deadline for accepting a response (Suzuki: col. 5, lines 21-33).

Regarding claim 31, the information processing apparatus of claim 4, wherein
said validity condition is an age restriction (Suzuki: col. 3, lines 51-63).

Regarding claim 32, the information processing apparatus of claim 4, wherein
said validity-condition is an adult category (Suzuki: col. 3, lines 51-63).

Regarding claim 33, the information processing apparatus of claim 4, wherein
said validity-condition is a registered person (Suzuki: col. 3, lines 64- col. 4, line 6).

Regarding claim 34, the information processing apparatus of claim 4, wherein
said validity-condition is an area restriction (Suzuki: col. 4, lines 15-31).

Claim 36 is rejected under 103(a) being unpatentable by U.S. Patent No. 6,701,355 by Brandt et al in view of U.S. Patent No. 6,671,882 by Murphy et al in further view of U.S. Patent No. 5,857,149 by Suzuki in further view of U.S. Patent No. 6,628,928 by Crosby et al..

Regarding claim 36, the modified Brandt teaches the information processing apparatus of Claim 4.

The Brandt reference fails to teach a fourth information processing device.

However, the Crosby reference teaches:

a provider-address-identifying means for identifying a content provider's network address corresponding to a provider ID supplied by a fourth information processing apparatus on the basis of the information in the storage means (Crosby: col. 9, lines 14-26; vendor information DB) in order to identify a URL associated the broadcaster or vendor associated with the content (Crosby: col. 9, lines 14-26).

It would have been obvious at the time of the invention to one of ordinary skill in the art to use the information processing apparatus of the modified Brandt to include provider address identifying means as taught by Crosby in order to identify a URL associated the broadcaster or vendor associated with the content (Crosby: col. 9, lines 14-26).

REMARKS

Applicant has submitted amendments clarifying the independent claims with new claims.

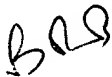
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R. Bruckart whose telephone number is (571) 272-3982. The examiner can normally be reached on 8:00-5:30PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Benjamin R Bruckart
Examiner
Art Unit 2155
brb



SALEH NAJJAR
SUPERVISORY PATENT EXAMINER